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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**NOTICE OF HEARING RE USACM
LIQUIDATING TRUST'S MOTION
TO ALLOW IN PART PROOF OF
CLAIM NO. 10725-02416 IN THE
AMOUNT OF \$521,406.20 BY
GERRY TOPP; AND CERTIFICATE
OF SERVICE**

Date of Hearing: October 18, 2011
Time of Hearing: 1:30 p.m.

**THE USACM LIQUIDATING TRUST FILED A MOTION TO ALLOW
PROOF OF CLAIM NO. 10725-02416 BASED UPON INVESTMENT IN THE
AMESBURY HATTERS POINT LOAN. THIS MOTION WILL NOT IMPACT
YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A
DIFFERENT LOAN..**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. ADDRESS QUESTIONS
REGARDING THE CLAIM TO UNDERSIGNED COUNSEL, JOHN
HINDERAKER (520-629-4430).**

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and
through its counsel, has filed its Motion to Allow In Part Proof of Claim No. 10725-02416



1 in the Amount of \$521,406.20 by Gerry Top (with Certificate of Service) (the “Motion”).
2 The first page of your Proof of Claim as required by Nevada LR 3007, is attached to the
3 Motion as **Exhibit A**. The USACM Liquidating Trust has requested that this Court enter
4 an order, pursuant to section 502 of title 11 of the United States Code (the “Bankruptcy
5 Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy
6 Rules”), allowing your Proof of Claim in part to the extent it is based upon an investment
7 in the Amesbury Hatters Point Loan.

8 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
9 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
10 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
11 **October 18, 2011, at the hour of 1:30 p.m.**

12 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
13 **OCTOBER 18, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**
14 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
15 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

16 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
17 response to the Motion must be filed and service must be completed no later than **fourteen**
18 **(14) days** preceding the hearing date. The opposition must set forth all relevant facts and
19 any relevant legal authority.



If you object to the Motion, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

DATED this 20th day of September, 2011.

LEWIS AND ROCA LLP

By /s/ John Hinderaker (#18024)
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Attorneys for the USACM Liquidating Trust

Copy of the foregoing mailed by first class
Postage prepaid U.S. mailed on
September 20, 2011 to:

Gerry Topp
P.O. Box 3008
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LEWIS AND ROCA LLP

/s/Renee L. Creswell
Renee L. Creswell